

Absent.

Hicks.

Stafford.

The committee report was then adopted.

Senator Looney moved to reconsider the vote by which the resolution was adopted and lay that motion on the table.

The motion to table was adopted.

## HOUSE MESSAGE.

Hall of the House of Representatives,  
Second Called Session,  
Twenty-ninth Legislature,  
Austin, Texas, March 29, 1906.  
Hon. Geo. D. Neal, President of the  
Senate.

Sir—I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 5, a bill to be entitled "An Act making an appropriation for the per diem and mileage pay of members and per diem pay of officers and employees of the Second Called Session of the Twenty-ninth Legislature of the State of Texas, convened March 26, 1906, by proclamation of the Governor."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

## BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Neal) had read and referred, after its caption had been read, the following House bill:

House bill No. 5 (mileage and per diem bill). Referred to Finance Committee.

## RECESS.

On motion of Senator Smith, the Senate took recess until 3 o'clock p. m.

## AFTER RECESS.

The Senate was called to order by Lieutenant Governor Neal, and

There being nothing before the Senate, on motion of Senator Faulk adjournment was had until tomorrow morning at 10 o'clock.

## FIFTH DAY.

Senate Chamber,  
Austin, Texas, Friday,  
March 30, 1906.

Senate met pursuant to adjournment, Lieutenant Governor Neal presiding.

Roll called, quorum present, the following Senators answering to their names:

Barrett.  
Beaty.  
Brachfield.  
Chambers.  
Davidson.  
Decker.  
Faulk.  
Faust.  
Glasscock.  
Griggs.  
Grinnan.  
Hanger.  
Harbison.  
Harper.  
Hawkins.

Hill.  
Holland.  
Looney.  
Martin.  
McKamy.  
Meachum.  
Paulus.  
Skinner.  
Stafford.  
Stokes.  
Stone.  
Storm.  
Terrell.  
Willacy.

Absent.

Hicks.

Smith.

Prayer by the Chaplain, Rev. H. M. Sears, as follows:

"O blessed Lord God, we come before Thee at the opening of the duties of this day and ask for the presence of the Holy Spirit to prepare us for all the work of this day, that our labors begun, continued and ended in Thy service, may glorify Thy holy name. Grant us the grace of repentance for all of our sins, and may we seek to avoid every hurtful thing, and help us to cultivate more kindly dispositions and brotherly feelings, and give us an abundant entrance into Thy kingdom at last, for Christ's sake. Amen.

Pending the reading of the Journal of yesterday, on motion of Senator Looney the same was dispensed with

## COMMITTEE REPORT.

Here Senator Looney offered the following committee report, which was adopted:

Committee Room,  
Austin, Texas, March 30, 1906.  
Hon. George D. Neal, President of the  
Senate:

We, your Committee on Contingent Expenses, having had under consideration the resolution of the Senate instructing this committee to determine what action should be taken with reference to employes and officers of the Senate, beg leave to make this supplemental report:

They show that the report made to them on March 28, 1906, printed in the Journal of the third day's proceedings by oversight, without intending so to do, the name of Rev. H. M. Sean, Chaplain, was omitted from the list of officers to be retained. We therefore recommend that the Chaplain of the Senate be retained for the Special Session on full pay for the period of its session and that he receive the

same per diem as during the Regular Session.

PAULUS.  
LOONEY.  
HAWKINS.  
STONE.  
HANGER.

Decker.  
Faulk.  
Faust.  
Hanger.  
Harbison.  
Hawkins.  
Looney.

McKamy.  
Meachum.  
Skinner.  
Stafford.  
Storm.  
Terrell.  
Willacy.

#### HOUSE MESSAGE.

Hall of the House of Representatives,  
Second Called Session, Twenty-  
ninth Legislature.

Austin, Texas, March 30, 1906.

Hon. George D. Neal, President of the  
Senate:

Sir—I am directed by the House to  
inform the Senate that the House has  
passed the following bills:

House bill No. 6, a bill to be entitled  
"An Act making an appropriation to  
defray the contingent expenses of the  
Second Called Session of the Twenty-  
ninth Legislature, convened March 26,  
1906, by proclamation of the Governor."

Senate Joint Resolution No. 1, a reso-  
lution upon the death of Hon. James  
S. Hogg.

Senate bill No. 1, to amend Section  
120 of Chapter 2 of the Acts of the  
First Called Session of the Twenty-  
ninth Legislature, known as the "Ter-  
rell Election Law," with amendments.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### BILLS READ AND REFERRED.

The Chair (Lieutenant Gov. Neal)  
had read and referred, after its caption  
had been read, the following House  
bill:

House bill No. 6, contingent expense  
bill.

Referred to the Finance Committee.  
Morning call concluded.

#### SENATE BILL NO. 3.

The Chair laid before the Senate,  
regular order, Senate Bill No. 3,

A bill to be entitled "An Act appro-  
priating twenty thousand (\$20,000)  
dollars to pay mileage and per diem of  
Members and per diem of Officers and  
employees of the Second Called Session  
of the Twenty-ninth Legislature, con-  
vened on 26th of March, 1906, by pro-  
clamation of the Governor."

Senator Harbison moved that fur-  
ther consideration of this bill be post-  
poned till tomorrow morning at 10  
o'clock.

The motion was adopted by the fol-  
lowing vote:

Yeas—18.

Barrett. Chambers.  
Brachfield. Davidson.

Nays—12.

Beaty.  
Glasscock.  
Griggs.  
Grinnan.  
Harper.  
Hill.

Holland.  
Martin.  
Paulus.  
Smith.  
Stokes.  
Stone.

Absent.

Hicks.

#### SENATE CONCURRENT RESOLU- TION NO. 1.

The Chair laid before the senate,  
Senate Concurrent Resolution No. 1,  
relating to the enactment of a national  
quarantine law by the National Con-  
gress.

The resolution was read and adopted.

#### SENATE BILL NO. 1—ELECTION BILL.

The Chair laid before the Senate,  
Senate Bill No. 1 (the election bill),  
for the purpose of considering the fol-  
lowing House amendments:

(Amendment No. 1.)

"Provided, that the candidate for a  
District or State office, who shall have  
received a majority of the votes cast  
in said District or State in the primary  
election, shall be by said District or  
State convention declared the nominee  
of the party."

(Amendment No. 2.)

Amend Senate bill No. 1, by adding  
after the word "nominated." in line 26,  
the following words: "Provided in all  
counties where less than 1500 poll tax  
receipts shall have been issued, the  
county executive committee of any  
political party may, by resolution  
adopted by a majority of such com-  
mittee, exempt such political party of  
such county from holding a primary  
election for the purpose of nominating  
candidates for county officers; this to  
apply only to county and precinct offi-  
cers."

Senator Looney moved that the Sen-  
ate do not concur in the amendments,  
and asked for free conference commit-  
tee.

Senator Faulk moved as a substitute  
that the Senate do concur in the

amendments, and asked for a division of the question.

At this time Senator Davidson offered a communication, and asked that it be published in the Journal. (See Appendix A for same.)

Senator Smith offered to amend the motion of Senator Looney by eliminating the word "free" before the word conference.

Senator Stafford made the point of order that the motion was not germane, also Senator Hanger raised a similar point of order, citing references.

Pending discussion pro and con, Senator Faulk withdrew his motion to concur in the amendments and then moved as a substitute motion, that the Senate do concur in amendment No. 1 and do not concur in amendment No. 2, and asked for a free conference committee on it.

Pending.

(Senator Chambers in the chair.)

Senator Skinner offered the following resolution:

Hon. George D. Neal, Lieutenant Governor:

Whereas, It is believed that 108 members of the Senate and House of Representatives have written letters to Judge Terrell (A. W.) and the Dallas News and others, in which letters said members agreed to attend an extra session of the Legislature if called by the Governor and serve the State free of charge in correcting Section 120 of the election law, passed by the Twenty-ninth Legislature, but incorrectly enrolled; and,

Whereas, It is believed that these letters are now in the custody of the Governor of this State; and,

Whereas, It is believed that said letters may and will throw light upon the issues now before the Senate and about to be brought before the Senate; be it

Resolved, That the consent of Judge Terrell and the representatives of the Dallas News be and is hereby asked for the production of said letters before the Senate, and that, if such consent is obtained, the Governor be and he is hereby requested to send said letters to the Senate for the use of Senators in the consideration of the matter now before this body; be it further

Resolved, That said letters written by Senators, in so far as they refer to the special session of the Legislature called by the Governor, be printed in the Journal of the Senate.

SKINNER.

STORM.

LOONEY.

Senator Skinner moved the adoption of the resolution.

Senator Glasscock moved to table the resolution, but after beginning the roll call asked to withdraw the motion and, there being no objection, it was withdrawn.

The resolution was then adopted.

#### PERSONAL PRIVILEGE.

Senator Meachum arose to a question of personal privilege and stated that his letter was a personal letter addressed to Judge Terrell, marked "personal," and he, therefore, requested unanimous consent that the letter be returned to the writer. Senator Meachum further stated that his letter being personal between friends, while it contained nothing which he had to take back or apologize for, still, not having been intended for the public it ought not to have been so used.

The Senate, by unanimous vote granted the request, and the letter was returned to the writer.

#### RECESS.

Senator Harbison moved that the Senate take a recess till 3 o'clock.

The motion was adopted.

#### AFTER RECESS.

The Senate was called to order by Lieutenant Governor Neal.

#### SENATE BILL NO. 1.

Action recurred on the substitute motion by Senator Faulk.

Senator Harper, who had the floor at the time the Senate recessed, was recognized by the Chair.

The evening was consumed in discussion of the bill, hence no other business transactions,

#### ADJOURNMENT.

Senator Hawkins moved that the Senate adjourn till tomorrow morning at 10 o'clock.

Senator Looney moved as a substitute, that the Senate recess till o'clock tonight.

Action being on the longest time first the motion to adjourn till tomorrow at 10 o'clock was adopted.

#### APPENDIX A.

##### COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, March 30, 1906.  
Hon. George D. Neal, President of the Senate.  
Sir: Your Committee on Finance, to whom was referred



House bill No. 5, a bill to be entitled "An Act making an appropriation for the per diem pay and mileage of members, and the per diem pay of officers and employes of the Second Called Session of the Twenty-ninth Legislature of the State of Texas, convened March 26, 1906, by proclamation of the Governor," have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and recommend that the bill be not printed.

WILLACY, Chairman.

Committee Room,  
Austin, Texas, March 30, 1906.  
Hon. George D. Neal, President of the Senate.

Sir: Your Committee on Finance, to whom was referred

House bill No. 6, a bill to be entitled "An Act making an appropriation to defray the contingent expenses of the Second Called Session of the Twenty-ninth Legislature, convened March 26, 1906, by proclamation of the Governor," have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and recommend that the bill be not printed.

WILLACY, Chairman.

#### APPENDIX B.

November 1, 1905.

The Honorable S. W. T. Lanham, Governor of Texas.

Sir: We herewith submit for your inspection the letters from one hundred and eight State Senators and Representatives, who express their willingness to serve in special session of the Legislature, free of cost to the State either for mileage or for the time necessary to correct Section 120 of the general election law. It will be seen that a quorum of each House have thus written. We also submit letters from the Lieutenant Governor and letters from clerks of the Legislature, doorkeepers and even little pages and negro porters to the same effect. The section referred to, though published as a Law of Texas, was never enacted by the Legislature, but was repudiated by their votes as shown by the Journals. In its broad scope it assumes to direct the manner in which the votes cast by the people in primary elections for all State and district officers shall be estimated in nominating conventions.

In our opinion a counterfeit law, which was never "prescribed by the supreme power of the state," but which

was enrolled and published through fraud or mistake, should not remain on the statutes as a "rule of action," and for ourselves and associates we respectfully request that you convene the Legislature in special session to correct it.

We do not ask permission under executive proclamation to revise the entire general election law, for perhaps no member of the Legislature approves all of its provisions, but request that we be restricted to the "subject" embraced in Section 120. Nor do we feel called on at this time to enquire whether the section referred to was engrossed through fraud or mistake in either event it undertakes to prescribe how the chief officers of the people shall be nominated, and is not a law enacted by their representatives.

Our agreement to serve without pay in order to relieve the people from a law which they had no hand in making is perhaps unusual; but so was the Revolution of 1776, and both were inspired by the same spirit of protest against the enforcement of unauthorized laws.

We have refrained from presenting this application until all danger from yellow fever had ceased and now respectfully submit it for your consideration. Very sincerely,

Senators:

A. B. DAVIDSON.  
MARSHALL HICKS.  
W. C. McKAMY.  
W. A. HANGER.

Representatives:

THOS. B. LOVE.  
E. F. HARRIS.  
O. P. BOWSER.  
W. D. WILLIAMS.  
A. W. TERRELL.

#### SIXTH DAY.

Senate Chamber,

Austin, Texas,

Saturday, March 31, 1906.

Senate met pursuant to adjournment, Lieutenant Governor Neal presiding.

Roll call quorum present, the following Senators answering to their names:

Barrett.  
Beaty.  
Brachfield.  
Chambers.  
Davidson.  
Decker.  
Faulk.

Faust.  
Glasscock.  
Griggs.  
Grinnan.  
Hanger.  
Harbison.  
Harper.